The Town of

Leesburg, Virginia

PRESENTED: February 8, 2005

ADOPTED:

February 8, 2005

AN ORDINANCE:

ORDINANCE NO. 2005-0-4

AMENDING CHAPTER 10, ARTICLE VI OF THE TOWN CODE REGARDING PARKING REGULATIONS

WHEREAS, parking is an important component of the public infrastructure in Leesburg's Historic Downtown; and

WHEREAS, in October 2003 the town commissioned a downtown parking management study; and

WHEREAS, that study made specific recommendations to improve the distribution of existing parking resources in the Historic Downtown; and

WHEREAS, the Council approved a plan to implement those recommendations in September 2004; and

WHEREAS, the implementation plan calls for changes in the locations, time limits and rates of the on-street parking meters, changes in the monthly and hourly rates in the Town Hall Parking Garage, and a graduated parking fine schedule; and

WHEREAS, as staff prepared the Town Code amendments to make those changes, it became apparent that additional regulations for the operation of the Town Hall Parking Garage were necessary.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. Chapter 10, Article VI of the Leesburg Town Code is amended as shown below:

#### **Division 1. Generally**

## Sec. 10-150. Parking prohibited in specific places; <u>Fine schedule and settlement of parking</u> violations.

- (a) No person shall park a vehicle or permit it to stand, whether attended or unattended, except in compliance with the directions of a police officer or traffic-control device, in any of the places:
  - (1) Overtime parking;
  - (2) Parking on or blocking sidewalk;
  - (3) Parking so as to block a public or private driveway, alley, etc.;
  - (4) Parking within 20 feet of an intersection;
  - (5) Parking within 15 feet of a fire hydrant;
  - (6) Parking on a crosswalk or within 20 feet of a crosswalk at an intersection;
  - (7) Parking within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
  - (8) Parking on yellow curb or in a marked safety zone;
  - (9) Parking within a parking space reserved by appropriate sign for the handicapped on public property or at privately owned shopping centers and business offices, unless such vehicle displays the official handicapped motorist license plate or card;
  - (10) Parking within 15 feet of the entrance to any fire or rescue station or on the side of a street opposite the entrance to any fire or rescue station or within 75 feet of the entrance when properly sign-posted;
  - (11) Parking or stopping on any street so as to obstruct traffic;
  - (12) Parking on the roadway side of any vehicle parked at the edge of curb of a street;
  - (13) Parking upon any bridge or other elevated structure upon a street or highway, or within a tunnel;
  - (14) Parking, in no parking (prohibited) zone;
  - Parking across or on any line or marking painted on the street by the town to designate a vehicular parking space;

- (16) Parking in a public parking lot without authorization;
- (17) Parking in fire lane;
- (18) Parking commercial vehicle in residential zone in excess of two (2) hours;
- (19) Parking on street without license plates displayed;
- (20) Parking a vehicle on street not in running condition;
- (21) Parking on wrong side of street (left wheel to curb).
- (b) Unless otherwise provided, any person violating the provisions of this section or any parking regulation promulgated pursuant to this section shall, upon conviction thereof, pay the fine in accordance with the following fine schedule.

Except as otherwise provided, any person accused of parking a vehicle in violation of a provision of this article or a regulation adopted under this article may settle and compromise the claim against him for such illegal parking by paying to the town the sum indicated in the fine schedule below. Should any person accused fail to pay the illegal parking ticket within 15 calendar days, said penalty shall increase to double the original fine. If the violation remains unsettled after 30 calendar days from the day of violation, a summons will be issued for the accused violator to appear in Loudoun County General District Court. This fine schedule does not restrict the fine a judge may impose if there is a court hearing.

#### (c) Fine schedule:

Fine	•	Violation
(1)	Overtime parking	\$ <del>10</del> 25.00
(2)	Parking on or blocking sidewalk	\$ <del>15</del> <u>30</u> .00
(3)	Parking so as to block a public or private driveway, alley, etc	\$ <del>15</del> <u>30</u> .00
(4)	Parking within 20 feet of an intersection	\$ <del>15</del> <u>30</u> .00
(5)	Parking within 15 feet of a fire hydrant	\$ <del>25</del> <u>50</u> .00
(6)	Parking on a crosswalk or within 20 feet of a crosswalk at an intersection	\$ <del>15</del> <u>30</u> .00
(7)	Parking within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway	\$ <del>15</del> <u>30</u> .00

(8)	Parking on yellow curb or in a marked safety zone	\$ <del>15</del> <u>30</u> .00
(9)	Parking within a parking space reserved by appropriate sign for the handicapped on public property or at privately owned shopping centers and business offices, unless such vehicle displays the official handicapped motorist license plate or card	\$ <del>1</del> <u>2</u> 00.00
(10	Parking within 15 feet of the entrance to any fire or rescue station or on the side of a street opposite the entrance to any fire or rescue station or within 75 feet of the entrance when properly sign-posted	\$ <del>25</del> <u>50</u> .00
(11	) Parking or stopping on any street so as to obstruct traffic	\$ <del>15</del> <u>30</u> .00
(12	Parking on the roadway side of any vehicle parked at the edge of curb of a street	\$ <del>15</del> 30.00
(13	Parking upon any bridge or other elevated structure upon a street or highway, or within a tunnel	\$ <del>15</del> <u>30</u> .00
(14	) Parking in no parking (prohibited) zone	\$ <del>15</del> <u>30</u> .00
(15	Parking across or on any line or marking painted on the street by the town to designate a vehicular parking space	\$ <del>15</del> <u>30</u> .00
(16	) Parking in a private parking lot without authorization of the lot owner	\$ <del>15</del> <u>30</u> .00
(17	Parking in fire lane	\$ <del>25</del> <u>50</u> .00
(18	Parking commercial vehicle in residential zone in excess of two hours	\$ <del>15</del> <u>30</u> .00
(19	Parking on street without license plates displayed	\$ <del>15</del> <u>30</u> .00
(20)	Parking on street not in running condition	\$ <del>15</del> 30.00
(21)	Parking on wrong side of street (left wheel to curb)	\$ <del>15</del> 30.00
(22)	Parking in violation of any provision of division 3 of this article	<u>\$30.00</u>

## Sec. 10-162. <u>Reserved</u>. <del>Settlement and compromise of charges for certain parking violations.</del>

(a) Any person accused of parking in a metered area without putting a coin in the meter to cover the required time may settle and compromise the charge against him for such illegal parking by inserting \$3.00 in the envelope provided for such purpose and depositing the same at such location as prescribed on said envelope by 12:00 noon of the next calendar day following the day of the violation or by paying the town the sum of \$7.50.

If after ten calendar days from the day of violation the violation remains unsettled, the person accused may settle the violation by paying the sum of \$20.00 to the town. If the violation remains unsettled after 20 calendar days from the day of violation, a summons will be issued for the accused violator to appear in district court. Violations of subsection 10 150(a)(4) may be compromised in an identical manner upon payment of the sum of \$25.00 to the town.

(b) A receipt shall be issued for all money received pursuant to this section, and such money shall be promptly turned over to the director of finance to be used in the manner provided for the disposition of fines for traffic violations.

### Sec. 10-163. Presumption that registered owner unlawfully parked vehicle.

In any prosecution subject to settlement of any violation of this article, as provided in section 10-162, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such provision, regulation or rule, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, as required by Title 46.1, Chapter 3, Code of Virginia, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

#### **Division 2. Parking Meters**

Sec. 10-170. Defined.

For the purpose of this division, the term *parking meter* shall be taken to mean a mechanical device located upon a public street or sidewalk or in a parking lot, in any place regularly designated as a parking meter zone under this division, which device shall record a certain number of minutes, by the use of a clock mechanism, determining the period of time for which parking privileges may be extended to the person depositing a coin therein. (Code 1963, § 13-110)

### Sec. 10-171. Establishment of meter zones and parking time limits therein.

Parking meter zones with the following time limits for lawful parking are established as follows:

- (a) For two-hour parking at any one time:
  - (1) The south side of West Market Street, between the entrance to the Presbyterian Church parking lot and Wirt Street;
  - (2) Two spaces on the east side of Wirt Street, immediately north of Market Street;
  - (3) The west side of King Street, between North Street and Market Street, with the exception of the space in front of 11 North King Street which shall be a loading zone;
  - (4) The south side of East Market Street, between King Street and Church Street, with the exception of the two spaces in front of the post office which shall be 15 minutes at any one time;
  - (5) The north side of Loudoun Street, between Church Street and King Street;
  - (6) The east and west sides of Harrison Street, between the W&OD Trail and Loudoun Street;
  - (7) The south side of Loudoun Street, between Harrison Street and East Market Street; and
  - (8) The eleven spaces at the northern end of the municipal parking lot located at the south end of Liberty Street.
- (b) For one-hour parking at any one time:
  - (1) The west side of King Street, between Loudoun Street and Market Street; and
  - (2) The north side of Loudoun Street, between King Street and Wirt Street;
- (c) For 30-minute parking at any one time:
  - (1) The east side of Wirt Street, between Loudoun Street and Market Street; and
  - (2) The south side of West Market Street, between Wirt Street and King Street.

- (1) West side of King Street, between Loudoun Street and North Street, for two hour parking at any one time except for that area designated at the northwest corner of king Street and Market Street as a no parking from here to corner zone.
- (2) East side of King Street, between Virginia Power right of way and 180 feet south of Royal Street, for two-hour parking at any one time.
- (3) South side of Market-Street, from 100 feet west of Church Street to 120 feet west of Liberty Street for two hour parking at any one time, with the following exceptions: the time limit for lawful parking shall be 15 minutes at any one time in front of the post office on Market Street and the time limit for lawful parking shall be three hours at any one time at five spaces immediately west of Wirt Street and five spaces between Liberty Street and the entrance of the Presbyterian Church parking lot and the space in front of the theatre shall be a 15 minute loading zone between 5:00 p.m. and midnight.
- (4) North side of Loudoun Street, between Wirt Street and Church Street, for two-hour parking at any one time.
- (5) East and west-side of South-Harrison Street, between Loudoun Street and 160 feet north of Depot Court, for two hour parking at any one time except as hereafter provided.
- (6) East and west side of South Harrison Street at southern most point of parking bay in front of 202 Harrison Street, S.E. for up to ten hour paid parking except the parking space in front of 306 which shall be free parking.
- (7) South side of Loudoun Street, between East Market Street and 160 feet east of South Harrison Street, for three hour parking at any one time.
- (8) Municipal parking area on the south end of Liberty Street, with the exception of the southernmost 121 spaces which will be offered for permit only parking.
- (9) East side of Wirt Street between Loudoun Street and Market Street plus two meters immediately north of Market Street for one-hour parking at any one time.
- (10) Harrison Street between East Market and East Loudoun for 30 minute parking at any one time.

#### Sec. 10-172. Marking of meter spaces and erection of meters.

(a) On streets designated as in the parking meter zones established by this division, the town shall cause separate parking meter spaces to be marked on the surface of the street or by other appropriate means and shall erect or cause to be erected a parking meter on the sidewalk or pavement opposite each such marked parking meter space.

(b) On parking lots owned by the town, the town shall cause separate parking meter spaces to be marked on the surface of the parking area in question, or by other appropriate means and shall erect or cause to be erected a parking meter opposite each such marked parking meter space.

### Sec. 10-173. Information to be given on meters.

The legend on a parking meter erected as provided in this division shall indicate:

- (a1) The denomination of the coin or coins of the United States to be deposited, as provided in this division.
- $(\underline{b2})$  The time in which the vehicle may be parked and the time when such period has elapsed.

Information as to the manner of operation shall also be displayed on each parking meter.

### Sec. 10-174. Vehicle to be parked entirely within marked space.

It shall be unlawful for any person to park any vehicle across or on any line or marking designating a parking meter space marked as provided in this division, or to park any vehicle in such way that the vehicle will not be wholly within the parking space, as designated by such lines or markings.

#### Sec. 10-175. When meters in operation.

Parking meters installed under the provisions of this division shall be operated at all times between the hours of 98:00 a.m. and 65:00 p.m. on all days except Saturdays, Sundays and all legal holidays as established by Section 2.1-21 of the Virginia Code.

### Sec. 10-176. Deposit of coin; occupancy of metered space; etc.

(a) The owner or operator of a vehicle, upon entering a parking meter space marked as provided in this division with his vehicle, during the time parking meters are in operation, as provided by section 10-175, shall immediately deposit a coin or combination of coins of the United States in the parking meter situated at the side of the parking meter space so entered and shall operate the parking meter according to the instruction thereon. Failure to comply with such requirements shall be unlawful. However, vehicles displaying license plates with official Purple Heart or former P.O.W. designations shall be allowed to park at such metered parking spaces free of charge up to the posted time limit on the parking meter. Vehicles displaying official disabled motorist license plates or placards with Virginia license plates bearing Purple Heart or former P.O.W. designations shall be allowed to park at such metered parking spaces free of charge for up to four hours.

- (b) Upon the deposit of a five-cent-coin, ten-cent or 25-cent coin and placing the parking meter in operation, the parking meter space in question may be lawfully occupied during the period of time prescribed on the parking meter legend for the particular amount deposited.
- (c) Parking meters located where two hour or three hour maximum parking is permitted when properly operated shall be so adjusted that initial or additional five-cent, ten-cent or 25-cent coins may be deposited at any time throughout the two hour or three hour allowed period, as long as the two hour or three hour allowed limit is not exceeded by any one vehicle occupying the same space. Unless otherwise stated in this ordinance, the deposit of each five-cent coin shall permit the vehicle to be parked for a period of 7.56 minutes; and the deposit of each ten-cent coin shall permit the vehicle to be parked for a period of 4512 minutes; and the deposit of each 25-cent coin shall permit the vehicle to be parked for a period of 4530 minutes. Parking meters located on Market Street between Church Street and Liberty Street, on Loudoun Street between Church Street and Wirt Street, on King Street between Cornwall Street and Loudoun Street and on Wirt Street shall require the deposit of a 25-cent coin for each 30-minute increment up to the meter's maximum time limit.
- (d) Parking meters located where ten hour maximum parking is permitted when properly operated shall be so adjusted that the deposit of each ten cent coin shall permit the vehicle to be parked for a period of 30 minutes and the deposit of each 25 cent coin shall permit the vehicle to be parked for a period of 75 minutes.
- (e) Parking meters located where 30 minute maximum parking is permitted when properly operated shall be so adjusted that a deposit of a five-cent coin shall permit the vehicle to be parked for a period of 15 minutes.
- (fd) Parking meters located where 15-minute maximum parking is permitted when properly operated shall be so adjusted that a deposit of a five ten-cent coin shall permit the vehicle to be parked for a period of 15 minutes.
- (ge) It shall be unlawful for the operator of a vehicle to park such vehicle, or to permit such vehicle to remain parked, during daylight hours, except Saturday, Sunday and all legal holidays as established by Section 2.1-21 of the Virginia Code national holidays, in areas controlled by parking meters on streets in the town or parking lots operated by the town for a period longer than the maximum time indicated on the meter from the time the vehicle is so parked in any such parking meter zone.

#### Sec. 10-177. Overtime parking.

If any vehicle shall remain parked in any parking meter space marked as provided in this division, for such length of time that the parking meter opposite or adjacent to such space shall indicate by a proper signal that the lawful parking period has expired, such vehicle shall be considered as being parked overtime. The parking of a vehicle overtime shall be unlawful. When

meters are so designated, giving notice thereof, no person shall park a vehicle for longer than the posted permitted time at any time between the hours designated on such meter.

#### Sec. 10-178. Defacing, damaging, etc., meters.

It shall be unlawful for any person to deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter erected as provided in this division. Any person violating this section shall be punished as provided in section 1-13 of this Code.

Cross references: General prohibition against damaging property, § 11-28.

### Sec. 10-179. Reserved. General penalty for violation of division.

Unless otherwise provided, any person, upon being convicted of violating any provision of this division, or of aiding, abetting or assisting in the violation of any provision of this division, shall be punishable by a fine of not less than \$10.00 nor more than \$50.00 for each offense, or by imprisonment of not more than five days for each offense.

#### Sec. 10-180. Reserved.

Editor's note: Section 10-180, relative to the enforcement of this division by parking meter attendants, and derived from Ord. No. 76-0-17, § 1, adopted Aug. 25, 1976, was repealed by § 2 of Ord. No. 78-0-21, adopted July 26, 1978. The provisions of this section may now be found in § 10-25, promulgated by § 1 of Ord. No. 78-0-21.

#### Division 3. Downtown Parking Facility

#### Sec. 10-181. Defined.

For the purpose of this division, the terms "town parking garage" and "off-street parking facility," hereinafter referred to as "the garage" or "the facility," shall be taken to mean a building constructed upon public land designated for the purpose of providing for parking of automobiles.

#### Sec. 10-182. Authority of town manager to manage, control, operate, and maintain.

The town manager is hereby authorized to manage, control, operate and maintain the facility when placed into service.

#### Sec. 10-183. Hours of operation.

The town manager shall regulate the daily hours of operation. The facility shall be available for free parking Saturday and Sunday or at other times so designated by town council.

#### Sec. 10-184. Designation of parking spaces.

The town manager shall cause so many spaces within the facility as he may deem proper for monthly permit parking, and other spaces for other than monthly parking.

#### Sec. 10-185. Establishment of designated parking spaces.

Parking spaces within the facility shall be designated for the following purposes:

- (<u>a</u>4) Town business. The town manager shall designate a certain number of spaces, not to exceed ten spaces, as reserved for persons having business with the town provided the parking does not exceed 30 minutes.
- (b2) Official vehicles. The town manager may designate a certain number of spaces, as reserved for parking of town-owned vehicles.
- (c3) Permit parking. The town manager shall designate a certain number of spaces, as reserved for persons holding valid long-term parking permits. The number of permit spaces may fluctuate according to non-permit usage.

### Sec. 10-186. Parking permitted only in designated spaces generally.

No automobile shall be parked in the facility, except in a space designated or marked off as a vehicle parking space, and no part of an automobile shall occupy more than one space. No automobile shall be parked in a space designated for special purposes unless meeting the requirement for such use.

### Sec. 10-186.1. Parking prohibited in specific places in the facility.

### No automobile shall be parked in the facility:

- (a) On or blocking a sidewalk or area of pavement marked as a pedestrian crosswalk;
- (b) In such a way as to block any access, aisle way, ramp in between floors, or service entrance, create a hazard to public safety or impede construction or maintenance requirements;
- (c) <u>In any area where such parking would obstruct construction, traffic, or prevent town</u> services from being conducted;
- (d) In an area for which "No Parking" or other restrictive signs or traffic control devices are erected.

#### Sec. 10-186.2. Display of license plates.

All vehicles parked in the facility shall display a current license plate and validation sticker in compliance with the applicable laws of the state or commonwealth and town, city, or county in which the vehicle is titled. Such license plates must be displayed in the manner required by the state or commonwealth issuing such plates.

#### Sec. 10-186.3. Prohibited vehicles.

Due to space limitations, the facility cannot allow limousines, trailers or extended length vehicles to be parked. Trailers or extended length vehicles owned by the town or a contractor hired by the town to conduct town business are permitted for the duration of the town project.

#### Sec. 10-186.4. Penalty for violation of division.

Except as otherwise provided, any person accused of parking a vehicle in violation of any provision of this division may settle and compromise the claim against him for such illegal parking by paying to the town the sum indicated in Section 10-150 of the Town Code.

#### Sec 10-186.5. Removal and disposition of vehicles unlawfully parked in the facility.

Vehicles parked in violation of the provisions of this division may be removed from the facility in accordance with Section 10-158 of the Town Code.

#### Sec 10-186.6. Inoperable and abandoned vehicles.

<u>Inoperable and abandoned vehicles parked in the facility shall be handled in accordance with Section 10-158.1 of the Town Code.</u>

#### Sec. 10-187. Parking fees for spaces rented on other than a monthly basis.

On Monday through Friday, the first hour of parking shall be free. After the first hour of continuous parking, the fee shall be \$0.50 for each hour or part thereof, for the next four hours of continuous parking and \$1.00 for each hour or part thereof after the first five hours of continuous parking, provided, however, that the maximum charge for continuous parking for any period of time up to 24 hours shall not exceed \$4.00\$\frac{1}{2}5.00\$. The first two hours of parking shall be free of charge.

#### Sec. 10-188. Parking fees for spaces rented on a monthly basis.

The parking fees for spaces in the facility permitted on a monthly basis shall be \$50.00 \$60.00 per month for each reserved space and \$40.00 per month for each unreserved space. Reserved spaces shall be available for general public parking after 5:00 p.m. Monday through Friday and all day on Saturdays, Sundays and all legal holidays as established by Section 2.1-21 of the

<u>Virginia Code.</u> A discount rate of \$35.00 per month shall be the fee for the purchase of at least eight spaces.

### Sec. 10-189. Parking without paying fee.

It shall be unlawful for any person to park any vehicle, or cause, allow, or permit any vehicle to be parked within the facility, without payment of the applicable parking fee prescribed in this division.

#### Sec. 10-190. Destruction or misuse of equipment.

It shall be unlawful for any person to deface, tamper with, damage, destroy, or impair the usefulness of any equipment or fixtures erected on or affixed to the facility. Any person violating this section shall be punished as if guilty of a Class 1 misdemeanor, as defined in Section 18.2-11 of the Code of Virginia (1950), and as provided in Chapter 1, section 1-13 of the Code of the town.

(a) <u>Dumping of Garbage/Refuse into Town Receptacles</u>. The trash receptacles provided by the town within the Town Parking Garage are provided for individual convenience and shall not be used as a substitute or complement to commercial or residential trash collection service. The bulk dumping of commercial or residential garbage into the trash receptacles provided by the Town in the Town Parking Garage shall be prohibited.

#### Sec. 10-190.1. Speed and direction of vehicles.

No person shall drive a vehicle within the facility in excess of five miles per hour, and no person shall drive a vehicle in a direction except that which is designated.

#### Sec. 10-190.2. Nonmotorized vehicles.

No person shall operate a nonmotorized vehicle of any type within the facility.

## Sec. 10-190.3. Sale of stamps and use thereof for payment of parking fees. Parking validation program.

The town manager is hereby authorized to implement a business validation program by which a participating business can reduce the parking fee for a customer by affixing a stamp, or stamps, each having a face value of \$0.50 equivalent to the cost of one hour's parking, to the parking ticket, and to cause validation equipment and supplies to be sold issued to persons or businesses participating in the validation program.

Sec. 10-190.4. Authority of town manager to temporarily waive fee or establish special parking fees for holidays, special events, or heavy storm or catastrophe.

The town manager is hereby authorized to temporarily rescind the parking fees set forth for spaces rented on other than a monthly basis in the event of a heavy snow storm or major catastrophic event to facilitate the removal of snow or debris from town streets, and to establish alternative rates or waive fees in the case of special events or special circumstances.

Sec. 10-190.5. Reserved. Penalty for violation of this division.

Unless otherwise provided, any person, upon being convicted of violating any provision of this division, or of aiding, abetting or assisting in the violation of any provision of this division, shall be punishable by a fine of not less than \$10.00 nor more than \$50.00 for each offense, or by imprisonment of not more than five days for each offense.

Sec. 10-190.6. Town employee parking.

The town manager shall may designate up to 55 spaces on the top level of the facility for use by town employees at no charge. The town manager is authorized to reduce or eliminate town employee parking at any time based on the need for additional paid parking.

Editor's note: Ord. No. 91-0-53, adopted Nov. 26, 1991, added provisions designated as § 10-196. In order to facilitate classification and ease of usage of the Code, said provisions have been redesignated as § 10-190.6 at the discretion of the editor.

SECTION II. All prior ordinances in conflict herewith are hereby repealed.

SECTION III. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the ordinance.

SECTION IV. This ordinance shall be in effect on April 1, 2005.

PASSED this  $8^{th}$  day of February 2005.

Kristen C. Umstattd, Mayor

Town of Leesburg

ATTEST:

Clerk of Council

O05 Parking Code Revisions